IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 11 of 2005

SMT.SHANTI DEVI & ORS
V/S
SMT.GODAWARI DEVI & ANR

Mr. RK THANVI, for the appellant / petitioner

Date of Order : 6.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant at length.

Much of the argument was made on the aspect of the ownership of the property to be vesting in Bhanwar Lal, or to be vesting in Bhanwar Lal alongwith his sons, and about the property being ancestral.

In my view, the present is a suit for recovery of possession from a licencee, whose licence is alleged to have been terminated. In such a suit, when the plaintiff has already proved the induction of the defendant as licencee in the specific apartment of the premises, and termination of that licence, all other questions become superfluous.

On the question of licence, the learned trial Court had framed issue No.5, and had decided that issue against the defendant, by positively finding the defendant to have been inducted as a licensee, with effect from the time, as alleged by the plaintiff. Admittedly, that finding of the learned trial Court has not been challenged before the learned Lower Appellate Court in any manner whatsoever.

That being the position, it cannot be said that the appeal involves any substantial questions of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.